

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

BOARD OF TRUSTEES OF LOCAL 41
INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS HEALTH FUND, et al.,

Plaintiffs,

v.

ORDER
05-CV-710A

N.E.R.S., INC.,

Defendant.

The above-referenced case was referred to Magistrate Judge H. Kenneth Schroeder, Jr., pursuant to 28 U.S.C. § 636(b)(1)(B). On October 24, 2007, Magistrate Judge Schroeder filed an Amended Report and Recommendation, recommending that plaintiffs' motions for summary judgment be granted and that the Union be awarded judgment in the amount of \$15,388.16 plus 9% interest from September 1, 2005; the Health, Pension, Annuity, Education & Unit Pension Funds be awarded judgment totaling \$215,739.75 plus 24% interest on the delinquent principal contributions from August 12, 2006 through the date of judgment and the National Electrical Benefit Fund be awarded judgment in the amount of \$12,027.40 plus 10% interest on the delinquent principal contributions from August 12, 2006 through the date of judgment.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons

set forth in Magistrate Judge Schroeder's Report and Recommendation, plaintiffs' motions for summary judgment are granted and the Union is awarded judgment in the amount of \$15,388.16 plus 9% interest from September 1, 2005; the Health, Pension, Annuity, Education & Unit Pension Funds is awarded judgment totaling \$215,739.75 plus 24% interest on the delinquent principal contributions from August 12, 2006 through the date of judgment and the National Electrical Benefit Fund is awarded judgment in the amount of \$12,027.40 plus 10% interest on the delinquent principal contributions from August 12, 2006 through the date of judgment.

The Clerk of Court shall take all steps necessary to close the case.

SO ORDERED.

s/ Richard J. Arcara
HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATED: November 19, 2007